

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

LINDA BAK et al.,

Plaintiffs and Respondents,

v.

MCL FINANCIAL GROUP, INC., et al.,

Defendants;

THEODORE C. PETERS,

Objector and Appellant.

G040130

(Super. Ct. No. 04CC11478)

ORDER MODIFYING OPINION AND
DENYING PETITION FOR
REHEARING; NO CHANGE IN
JUDGMENT

It is ordered that the opinion filed herein on January 30, 2009, be modified as follows:

1. On page 3, in the second full paragraph, beginning “Defendants returned the privileged material,” delete the second sentence and insert the following sentence in its place:

But objector claims that before doing so, he “made a cursory review of the documents,” copied them, and then placed the copies in a sealed envelope, which he sent to a staff attorney with FINRA who was handling the case.

2. On page 3, in the third full paragraph, beginning “Plaintiffs filed an emergency motion,” delete the first sentence and insert the following sentence in its place:

Plaintiffs filed an emergency motion with the arbitrators for an order prohibiting defendants “from using the privileged documents” and seeking “destruction of the documents . . . unilaterally sent to [FINRA].”

3. On page 9, in the second full paragraph, beginning “Contrary to objector’s assertion,” delete the second sentence and insert the following sentence in its place:

In fact, *State Compensation* suggests that where, as here, defendants objected to plaintiffs’ demand for immediate return of the privileged documents, objector should have sought guidance from the arbitration panel rather than unilaterally copying the material and sending it to FINRA.

These modifications do not change the judgment.

The petition for rehearing is DENIED.

CERTIFIED FOR PUBLICATION

RYLAARSDAM, ACTING P. J.

WE CONCUR:

ARONSON, J.

FYBEL, J.